

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BRIAN DANIEL,

Plaintiff,

v.

No. CV 06-722-AS

OPINION AND ORDER

MAX WILLIAMS, Director, Oregon  
Department of Corrections; BRIAN  
BELLEQUE, Superintendent, Oregon  
State Penitentiary, Oregon Department  
of Corrections; MARSHAL BUCCHOLZ,  
Counselor, Intensive Management Unit,  
Oregon State Penitentiary, Oregon Department  
of Corrections; BIRDIE WORLEY, Rules  
Coordinator, Oregon Department of Corrections;  
and DICK HAWKS, Central Trust Manager,  
Oregon Department of Corrections,

Defendants.

**MOSMAN, J.,**

On September 11, 2007, Magistrate Judge Ashmanskas issued Findings and Recommendation ("F&R") (#39) in the above-captioned case recommending that Defendants' Motion for Summary Judgment (#25) be GRANTED, that Plaintiff's Motion for Summary Judgment (#13) be DENIED, that Plaintiff's Motion to Compel (#14) be DENIED, and that this action be dismissed with prejudice. No objections were filed.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate

judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. See *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Ashmanskas's recommendation, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 23rd day of October, 2007.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court